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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 TRINA PARKER, as an individual;
11 Plaintiff,
12 vs.

13 DIGNITY HEALTH d/b/a ST. ROSE
14 DOMINICAN HEALTH HOSPITAL-SIENA
CAMPUS, as a Corporation; SCOTT R.
15 FERGUSON, M.D., as an individual,
16 Defendants.

CDS
CASE NO. 2:18-cv-02291-~~RFB~~-BNW ¹
THIRD SUPPLEMENTAL JOINT PRE-
TRIAL ORDER

17
18 Following pre-trial proceedings in this case,
19 IT IS ORDERED:

20 I.

21 STATEMENT OF THE NATURE OF THE ACTION

22 A. PLAINTIFF'S STATEMENT

23 Plaintiff's Description of the Nature of the Action: This is a medical malpractice
24 case arising out of the care and treatment provided to Plaintiff by Defendants at St. Rose
25 Hospital - Siena on December 4, 2017. Plaintiff claims the care and treatment and/or lack
26 thereof provided by Defendants on December 4, 2017, caused her to undergo an above-
27 the-knee amputation of her left lower extremity and caused her right foot drop. Plaintiff
28 claims her allegations are supported by the medical records, CMS' Report, and witnesses

identified to testify in the case. Plaintiff's claims include: professional negligence, violation of 42 U.S.C. § 1395 and respondeat superior.

B. DEFENDANTS' STATEMENT

Defendants' Description of the Nature of the Action: This is a medical malpractice case arising out of the care and treatment provided to Plaintiff by Defendants on December 4, 2017. Plaintiff was provided an appropriate medical screening examination and treatment upon her presentation to St. Rose Hospital that did not reveal an emergent medical condition. Plaintiff was appropriately transferred to Seven Hills Hospital for inpatient psychiatric evaluation and treatment, where she developed acute limb ischemia that required further medical treatment at St. Rose Hospital. Defendants include: Dignity Health d/b/a St. Rose Dominican Hospital - Siena Campus and Scott Ferguson, M.D. Defendants deny liability in this matter. The facts have shown that Plaintiff's alleged injuries were not caused by Defendants' alleged negligence.

~~a. Defendant Dignity Health d/b/a St. Rose Dominican Hospital Siena~~²
~~Campus:~~

FIRST AFFIRMATIVE DEFENSE

~~Plaintiff's Second Amended Complaint on file herein fails to state a claim against this Defendant upon which relief can be granted.~~

SECOND AFFIRMATIVE DEFENSE

~~The injuries, if any, complained of by Plaintiff in the Second Amended Complaint were proximately caused by the acts or omissions of unknown third parties or other persons over whom this Defendant exercised no control and over who this Defendant had no right or duty to control, nor ever has had a right or duty to exercise control.~~

THIRD AFFIRMATIVE DEFENSE

~~Plaintiff did not exercise ordinary care, caution or prudence in the conduct of her affairs relating to the allegations of the Second Amended Complaint herein for damages in order to avoid the injuries or damages of which Plaintiff complains and said injuries or damages, if any, were directly and proximately contributed to or caused by the fault,~~

² The order was modified by the Court to comport with Local Rules 16-3 and 16-4, which do not include assertions of affirmative defense.

1 ~~carelessness and negligence of the Plaintiff.~~

2 **FOURTH AFFIRMATIVE DEFENSE**

3 ~~The risks and consequences, if any, attendant to the recommendations and~~
4 ~~treatment proposed by this Defendant were fully explained to the Plaintiff who freely~~
5 ~~consented to such treatment and thereby assumed risks involved in such matter.~~

6 **FIFTH AFFIRMATIVE DEFENSE**

7 ~~The damages, if any, alleged by Plaintiff was not the result of any acts of omission,~~
8 ~~or commission, or negligence, but were the results of known risks which were consented~~
9 ~~to by the Plaintiff, such risks being inherent in the nature of the care rendered and such~~
10 ~~risks were assumed by the Plaintiff when they consented to treatment.~~

11 **SIXTH AFFIRMATIVE DEFENSE**

12 ~~In all medical attention rendered by this Defendant to Plaintiff, this Defendant~~
13 ~~possessed and exercised that degree of skill and learning ordinarily possessed and~~
14 ~~exercised by the members of his/her profession in good standing, practicing in similar~~
15 ~~localities, and that at all times this Defendant used reasonable care and diligence in the~~
16 ~~exercise of his/her skills and the application of his/her learning, and at all times acted~~
17 ~~according to his/her best judgment; that the medical treatment administered by this~~
18 ~~Defendant was the usual and customary treatment for the physical condition and~~
19 ~~symptoms exhibited by Plaintiff, and that at no time was this Defendant guilty of~~
20 ~~negligence or improper treatment; that, on the contrary, this Defendant did perform each~~
21 ~~and every act of such treatment in a proper and efficient manner and in a manner most~~
22 ~~thoroughly approved and followed by the medical profession generally and under the~~
23 ~~circumstances and conditions as they existed when such medical attention was rendered.~~

24 **SEVENTH AFFIRMATIVE DEFENSE**

25 ~~The injuries complained of in the Second Amended Complaint, if any, were not the~~
26 ~~result of willful, malicious or deliberate conduct on the part of this answering Defendant.~~

27 **EIGHTH AFFIRMATIVE DEFENSE**

28 ~~That it has been necessary for the Defendant to employ the services of an attorney~~

~~to defend this action and a reasonable sum should be allowed Defendant for attorneys' fees, together with costs of suit incurred herein.~~

NINTH AFFIRMATIVE DEFENSE

~~Defendant is liable for only that portion of the Plaintiff's claims that represents the percentage of negligence, if any, attributed to Defendant.~~

TENTH AFFIRMATIVE DEFENSE

~~Plaintiff has failed to plead any acts or omissions of this answering Defendant sufficient to constitute punitive damages.~~

ELEVENTH AFFIRMATIVE DEFENSE

~~Plaintiff failed to file her Second Amended Complaint before the running of the applicable statute of limitation, thereby barring their claims for relief.~~

TWELFTH AFFIRMATIVE DEFENSE

~~Plaintiff's Second Amended Complaint, and each claim asserted therein and the relief sought, is barred by the statute of frauds.~~

THIRTEENTH AFFIRMATIVE DEFENSE

~~Plaintiff's action is barred and/or diminished by the doctrines of waiver, laches, estoppel, and/or unclean hands.~~

FOURTEENTH AFFIRMATIVE DEFENSE

~~The incident alleged in the Second Amended Complaint and the resulting damages, if any, to Plaintiff were proximately caused or contributed to by Plaintiff's own negligence, and such negligence was greater than the alleged negligence of Defendant.~~

FIFTEENTH AFFIRMATIVE DEFENSE

~~If Plaintiff has sustained any injuries or damages, such were the result of intervening and/or superseding events, factors, occurrences, or conditions, which were in no way caused by Defendant, and for which Defendant is not liable.~~

SIXTEENTH AFFIRMATIVE DEFENSE

~~Plaintiff is barred from recovering any special damages herein as a result of the failure to comply with the provisions of N.R.C.P. 9(g).~~

1 SEVENTEENTH AFFIRMATIVE DEFENSE

2 Defendant alleges that Plaintiff has a duty to mitigate her damages and has failed
3 to do so.

4 EIGHTEENTH AFFIRMATIVE DEFENSE

5 To the extent Plaintiff has been reimbursed from any source for any special
6 damages claimed to have been sustained as a result of the incidents alleged in Plaintiff's
7 Second Amended Complaint, Defendant may elect to offer those amounts into evidence
8 and, if Defendant so elects, Plaintiff's special damages shall be reduced by those
9 amounts pursuant to NRS 42.021.

10 NINETEENTH AFFIRMATIVE DEFENSE

11 Plaintiff has failed to join all necessary parties.

12 TWENTIETH AFFIRMATIVE DEFENSE

13 Defendant alleges that at all times mentioned in Plaintiff's Second Amended
14 Complaint, Plaintiff was suffering from a medical condition(s) which Defendant did not
15 cause, nor was Defendant responsible for said medical condition(s).

16 TWENTY-FIRST AFFIRMATIVE DEFENSE

17 Defendant asserts that the Second Amended Complaint, or certain claims therein,
18 should be dismissed on the basis that Plaintiff has not complied with NRS 41A.071.

19 TWENTY-SECOND AFFIRMATIVE DEFENSE

20 Defendant is entitled to all protections, benefits, and set offs available to
21 Defendant in medical malpractice actions under NRS Chapters 41, 41A, and 42.

22 TWENTY-THIRD AFFIRMATIVE DEFENSE

23 Pursuant to N.R.C.P. 11, as amended, all possible Affirmative Defenses may not
24 have been alleged herein insofar as sufficient facts were not available after reasonable
25 inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right
26 to amend his Answer to allege additional Affirmative Defenses if subsequent investigation
27 warrants.

28 ///

1 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

2 Defendant hereby incorporates by reference those affirmative defenses
3 ~~enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein.~~
4 ~~In the event further investigation or discovery reveals the applicability of any such~~
5 ~~defenses, Defendant reserves the right to seek leave of Court to amend its Answer to~~
6 ~~specifically assert the same. Such defenses are herein incorporated by reference for the~~
7 ~~specific purpose of not waiving the same.~~

8 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

9 ~~Plaintiffs fail to state a claim for attorneys' fees and costs under the Emergency~~
10 ~~Medical Treatment and Active Labor Act, 42 U.S.C. §1395DD (EMTALA).~~

11 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

12 ~~Plaintiff fails to state a claim for punitive damages under EMTALA.~~

13 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

14 ~~Plaintiff fails to state a claim for civil monetary penalties under EMTALA.~~

15 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

16 ~~Plaintiff fails to state a claim for joint and several liability for all defendants under~~
17 ~~EMTALA.~~

18 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

19 ~~Defendant acted in good faith and without improper motive such that no claim lies~~
20 ~~under EMTALA.~~

21 **THIRTIETH AFFIRMATIVE DEFENSE**

22 ~~Any treatment of Plaintiff beyond that which Defendant provided was beyond the~~
23 ~~"stabilization" standards reasonably imposed by EMTALA, and therefore no claim lies~~
24 ~~under EMTALA.~~

25 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

26 ~~Defendant provided emergency medical services to Plaintiff within its capabilities~~
27 ~~and therefore is not subject to liability under EMTALA.~~

27 ///

28 ///

THIRTY-SECOND AFFIRMATIVE DEFENSE

Defendant provided an appropriate medical screening to Plaintiff within its capabilities in an even handed and uniform manner that was consistent with its regular practice and reasonably calculated to determine whether or not an emergency medical condition existed and therefore is not subject to liability under EMTALA.

THIRTY-THIRD AFFIRMATIVE DEFENSE

The Plaintiff did not request, or withdrew the request for, further treatment, stabilization, and screening, thereby excusing Defendant from further compliance with EMTALA.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

Defendant did not treat Plaintiff differently from other patients at the time alleged and within its service capabilities.

THIRTY-FIFTY AFFIRMATIVE DEFENSE

The screening provided to Plaintiff did not reveal an emergency medical condition, thereby precluding any liability under EMTALA.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

Plaintiff was not in fact experiencing an emergency medical condition, thereby precluding liability under EMTALA.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiff cannot state a cause of action for faulty or inadequate but otherwise uniform screening under EMTALA as a matter of law.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

Plaintiff was stable or was stabilized at the time alleged, thus precluding liability against the Hospital under EMTALA.

THIRTY-NINTH AFFIRMATIVE DEFENSE

Plaintiffs cannot state a cause of action for failure to stabilize Plaintiff beyond the initial time of her "coming to" the Hospital under EMTALA as a matter of law.

FORTIETH AFFIRMATIVE DEFENSE

Plaintiff's Second Amended Complaint on file herein fails to state a claim for relief

1 upon which relief may be granted as to any claim for vicarious liability for treatment
2 provided by co-defendant or non parties.

3 **FORTY-FIRST AFFIRMATIVE DEFENSE**

4 Plaintiff failed to file any claim for vicarious liability for treatment provided by co-
5 defendant or non parties before the running of the applicable statute of limitation, thereby
6 barring such claims for relief.

7 **FORTY-SECOND AFFIRMATIVE DEFENSE**

8 Plaintiffs' damages, if any, may be the result of action for which subrogation and/or
9 indemnification agreements may exist and apply, making the answering Defendant
10 partially or wholly protected from any such finding and/or judgment.

11 **b. Defendant Dignity Health defenses to be abandoned:**

12 Defendant Dignity Health is abandoning its Twelfth and Thirteenth Affirmative
13 Defenses.

14 **c. Defendant Scott R. Ferguson, M.D.:**

15 **FIRST AFFIRMATIVE DEFENSE**

16 Plaintiff's Second Amended Complaint fails to state a claim on which relief may be
17 granted.

18 **SECOND AFFIRMATIVE DEFENSE**

19 Plaintiff's damages, if any, were not proximately caused by this Answering
20 Defendant's conduct.

21 **THIRD AFFIRMATIVE DEFENSE**

22 Plaintiff is comparatively at fault; Plaintiff's recovery, if any, should be reduced in
23 proportion to Plaintiff's fault, or in the event Plaintiff's fault exceeds that of this Answering
24 Defendant, Plaintiff is not entitled to any recovery.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 Plaintiff's injuries and damages, if any, are the result of forces of nature over which
27 this Answering Defendant have no control or responsibility.
28

1 FIFTH AFFIRMATIVE DEFENSE

2 Plaintiff is barred from asserting any claims against this Answering Defendant
3 because the alleged damages were the result of one or more unforeseeable intervening
4 and superseding causes.

5 SIXTH AFFIRMATIVE DEFENSE

6 Plaintiff is barred from bringing this action for failure to comply with applicable
7 contractual remedies and requirements, including arbitration, if applicable. Plaintiff's
8 failure to comply with the contractual remedies and requirements notwithstanding, this
9 Answering Defendant reserves its right to enforce any applicable arbitration provision.

10 SEVENTH AFFIRMATIVE DEFENSE

11 The damages, if any, incurred by Plaintiff were not attributable to any act, conduct,
12 or omission on the part of this Answering Defendant. This Answering Defendant denies
13 that it was culpable in any matter or in any degree with respect to the matters set forth in
14 Plaintiff's Complaint.

15 EIGHTH AFFIRMATIVE DEFENSE

16 Plaintiff's claims are barred due to the applicable statute of limitations applicable to
17 each cause of action, and/or the doctrines of estoppel, laches and/or unclean hands.

18 NINTH AFFIRMATIVE DEFENSE

19 Plaintiff's damages, if any, were caused in whole or part by the negligence of third
20 parties over which this Answering Defendant had no control.

21 TENTH AFFIRMATIVE DEFENSE

22 Plaintiff failed to take reasonable efforts to mitigate her damages, if any, and is
23 therefore barred from recovering any damages from this Answering Defendant.

24 ELEVENTH AFFIRMATIVE DEFENSE

25 Plaintiff's maladies and injuries, if any, were caused by inevitable disease
26 processes and not by any act of this Answering Defendant.

27 TWELFTH AFFIRMATIVE DEFENSE

28 This Answering Defendant is entitled to all limitations, protections and other

1 ~~provisions contained within NRS Chapter 41A and/or NRS 42.021.~~

2 **THIRTEENTH AFFIRMATIVE DEFENSE**

3 ~~This Answering Defendant denies each and every allegation of Plaintiff's~~
4 ~~Complaint not specifically admitted or otherwise pled herein.~~

5 **FOURTEENTH AFFIRMATIVE DEFENSE**

6 ~~Plaintiff failed to comply with NRS 41A.071.~~

7 **FIFTEENTH AFFIRMATIVE DEFENSE**

8 ~~Plaintiff's non-economic damages, if any, may not exceed \$350,000, pursuant to~~
9 ~~NRS 41A.035.~~

10 **SIXTEENTH AFFIRMATIVE DEFENSE**

11 ~~To the extent Plaintiff is entitled to recover any damages from this Answering~~
12 ~~Defendant, this Answering Defendant may be held severally liable only for that portion of~~
13 ~~any judgment which represents the percentage of negligence attributable this Answering~~
14 ~~Defendant, pursuant to NRS 41A.045 and NRS 41.141.~~

15 **SEVENTEENTH AFFIRMATIVE DEFENSE**

16 ~~To the extent Plaintiff is entitled to recover any future damages from this~~
17 ~~Answering Defendant, this Answering Defendant may satisfy that amount through~~
18 ~~periodic payments pursuant to NRS 42.021.~~

19 **EIGHTEENTH AFFIRMATIVE DEFENSE**

20 ~~Plaintiff failed to name an indispensable party whose presence is indispensable to~~
21 ~~full relief.~~

22 **NINETEENTH AFFIRMATIVE DEFENSE**

23 ~~Pursuant to N.R.C.P. 11, as amended, all affirmative defenses have not been~~
24 ~~alleged herein insofar as sufficient facts are not available after reasonable inquiry upon~~
25 ~~the filing of this Answering Defendant's Answer. This Answering Defendant reserves the~~
26 ~~right to allege additional affirmative defenses subsequently, if investigation so warrants.~~

27 **TWENTIETH AFFIRMATIVE DEFENSE**

28 ~~This Answering Defendant alleges that the injuries and damages, if any, suffered~~

1 ~~by Plaintiff can and do occur in the absence of negligence.~~

2 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

3 ~~The facts alleged by Plaintiff are insufficient to state a prayer for relief for punitive~~
4 ~~damages.~~

5 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

6 ~~Plaintiff is not entitled to recover punitive damages.~~

7 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

8 ~~Plaintiff's claim for punitive damages against this Answering Defendant is barred.~~
9 ~~Imposition of such damages under NRS. 42.005, et seq., would be a denial of due~~
10 ~~process and equal protection under the law and such an award would violate these~~
11 ~~Answering Defendants' rights under Article 1, sections 8, 9 and 10 of the United States~~
12 ~~Constitution, the Fifth, Eighth, and Fourteenth Amendments to the United States~~
13 ~~Constitution, and Article 1, sections 6 and 8 of the Nevada Constitution.~~

14 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

15 ~~This Answering Defendant hereby incorporate by reference those affirmative~~
16 ~~defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth~~
17 ~~herein, for the specific purpose of not waiving any such defenses. In the event further~~
18 ~~investigation or discovery reveals the applicability of any such defenses, or any other~~
19 ~~affirmative defenses, this Answering Defendant reserves the right to seek leave of court~~
20 ~~to amend this Answer to specifically assert any such defense.~~

21 **II.**

22 **JURISDICTION**

23 Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331 as Plaintiff's
24 Complaint includes a cause of action against Defendant Dignity Health dba St. Rose
25 Dominican Hospital - Siena Campus, claiming 42 U.S.C. § 1395dd(a) ("EMTALA") was
26 violated. Accordingly, the case requires the interpretation of federal law.

27 Jurisdiction for all remaining counts of this Complaint is based on pendant
28 jurisdiction of this Court pursuant to 28 U.S.C. § 1367.

Venue is properly conferred on this Court pursuant to 15 U.S.C. § 15 and 28 U.S.C. § 1391(b) because the Defendants are subject to personal jurisdiction in this District and because a substantial part of the events giving rise to the claims alleged herein took place in this District.

III.

ADMISSION OF FACTS THAT REQUIRE NO PROOF

The following facts are admitted by the Parties and therefore require no proof:

1. Plaintiff presented to the Emergency Department at St. Rose Dominican Hospital - Siena on December 4, 2017.
2. At all relevant times, Dr. Ferguson was and is a physician licensed in Clark County, Nevada.
3. At all relevant times, Dr. Ferguson was not an employee of Defendant Dignity Health.

IV.

FACTS THAT WILL NOT BE CONTESTED AT TRIAL

The following facts, though not admitted, will not be contested at trial:

1. Plaintiff was transported by ambulance to St. Rose Dominican Hospital - Siena Campus on December 4, 2017.
2. Plaintiff was transferred to Seven Hills Hospital on December 4, 2017.
3. Plaintiff was transferred from Seven Hills Hospital to St. Rose Hospital - Siena on December 6, 2017.
4. Plaintiff was admitted to St. Rose Hospital - Siena on December 6, 2017.
5. Plaintiff underwent an above-the-knee amputation of her left lower extremity on December 18, 2017.

///

///

V.

ISSUES OF FACT TO BE TRIED AND DETERMINED AT TRIAL

1. Whether Plaintiff had an emergency medical condition when she presented to the hospital on December 4, 2017;
2. Whether Plaintiff received an appropriate medical screening examination on December 4, 2017 in accordance with 42 U.S.C. § 1395dd(a);
3. Whether Plaintiff suffered personal harm as a result of the alleged failure of Dignity Health d/b/a St. Rose Dominican Hospital-Siena to provide Plaintiff a proper medical screening examination;
4. Whether Defendants breached the standard of care in their care and treatment of Plaintiff on December 4, 2017;
5. If Defendants' care and treatment of Plaintiff on December 4, 2017, fell below the standard of care, whether Defendants' breach caused Plaintiff to undergo an above the knee amputation of Plaintiff's left lower extremity;
6. If Defendants' care and treatment of Plaintiff on December 4, 2017, fell below the standard of care, whether Defendants' breach caused Plaintiff's right foot drop;
7. Whether Plaintiff's injuries and damages, if any, were caused by the actions or omissions of a third party, or parties, and/or persons or entities, over whom Defendants had no control;
8. The reasonable and necessary medical expenses incurred by Plaintiff as a result of the subject incident;
9. The sum of money (if any) sufficient to reasonably and fairly compensate Plaintiff for her alleged physical and mental pain, suffering, anguish and disability endured from the date of the subject accident to the present;

14. Whether Defendants acted with oppression or malice, express or implied, and if so the amount of damages appropriate to punish Defendants and deter them from such future conduct.

ISSUES OF LAW TO BE TRIED AND DETERMINED AT TRIAL

5. Whether any damages available under EMTALA are governed by NRS 42.021;

6. Whether Defendant Dignity Health is vicariously liable for the acts and/or omissions of Defendant Scott Ferguson, M.D.;
7. Whether the subject incident was the proximate cause of Plaintiff's damages;
8. Whether Defendants breached a duty of care owed to Plaintiff on December 4, 2017; and
9. If Defendants did in fact breach their duty to Plaintiff on December 4, 2017, whether the breach was the proximate cause of the Plaintiff's alleged injuries.

VII.

TRIAL EXHIBITS

A. The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

1. Medical Records from Seven Hills Behavioral Institute (Bates SDT-SH-0001-0144);
2. Medical records from Dignity Health d/b/a St. Rose Dominican Health Hospital-Siena Campus, (SRS0001-3748);
3. Imaging from St. Rose Dominican Hospital - Siena Campus from 12/06/17 and 12/07/17;
4. Policy and Procedure - Emergency Medical Treatment and Labor Act (EMTALA) Corporate Policy(P&P000001-000013).
5. Policy and Procedure - Legal 2000 (L2K) Patient Assessment & Monitoring; (P&P000014-000022).

B. As to the following exhibits, the parties against whom the same will be offered objects to their admission on the grounds stated.

1. Plaintiff's Exhibits:
 - (a) Medical Records from VA (SDT-VASNHS-0001-785).
- Defendants object to Medical Records from the VA as

1 unauthenticated inadmissible hearsay.

2 (b) Fremont Emergency Services Records (FES2-0001-0002).

3 Defendants object to the Fremont Emergency Services
4 Records (FES2-001-0002) as irrelevant, unauthenticated,
5 inadmissible hearsay.

6 (c) CMS Report dated 2/22/19 (pages 1-16). Defendants object to
7 the CMS Report as inadmissible double hearsay that lacks
8 foundation, relevance, and authentication. The probative
9 value of the exhibit is substantially outweighed by the danger
10 of unfair prejudice, confusion of the issues and waste of time.
11 The exhibit also improperly makes legal conclusions, invades
12 the province of the jury, is cumulative in nature, and is
13 untrustworthy.

14 2. Defendants' Exhibits:

15 (a) Las Vegas Metropolitan Police Department records (LVMPD-
16 0001-0017). Plaintiff objects to the admissibility of this exhibit
17 as it is irrelevant, unfairly prejudicial, likely to confuse and
18 mislead the jury, and likely to cause undue delay and waste
19 the time of the court, the jury, and the parties and is therefore
20 inadmissible under FRE 401 and 403. Plaintiff further objects
21 to the admissibility of this exhibit on the basis that it
22 constitutes inadmissible character evidence prohibited by FRE
23 404. Plaintiff further objects to the admissibility of this exhibit
24 on the basis that it is unauthenticated hearsay which is
25 inadmissible pursuant to FRE 802 and 901.

26 (b) Henderson Police Department records (SDT-HPD-0001-77).
27 Plaintiff objects to the admissibility of this exhibit as it is
28 irrelevant, unfairly prejudicial, likely to confuse and mislead

1 the jury, and likely to cause undue delay and waste the time of
2 the court, the jury, and the parties and is therefore
3 inadmissible under FRE 401 and 403. Plaintiff further objects
4 to the admissibility of this exhibit on the basis that it
5 constitutes inadmissible character evidence prohibited by FRE
6 404. Plaintiff further objects to the admissibility of this exhibit
7 on the basis that it is unauthenticated hearsay which is
8 inadmissible pursuant to FRE 802 and 901.

9 (c) Facebook Records (PFB-0001-30 & FACEBOOK-000001-19).
10 Plaintiff objects to the admissibility of this exhibit as it is
11 irrelevant, unfairly prejudicial, likely to confuse and mislead
12 the jury, and likely to cause undue delay and waste the time of
13 the court, the jury, and the parties and is therefore
14 inadmissible under FRE 401 and 403. Plaintiff further objects
15 to the admissibility of this exhibit on the basis that it
16 constitutes inadmissible character evidence prohibited by FRE
17 404. Plaintiff further objects to the admissibility of this exhibit
18 on the basis that it is unauthenticated hearsay which is
19 inadmissible pursuant to FRE 802 and 901.

20 (d) Letter from Department of Health & Human Services dated
21 May 26, 2020 (CMS-0001-2). Plaintiff objects to the
22 admissibility of this exhibit as it is irrelevant, unfairly
23 prejudicial, likely to confuse and mislead the jury, and likely to
24 cause undue delay and waste the time of the court, the jury,
25 and the parties and is therefore inadmissible under FRE 401
26 and 403. Plaintiff further objects to the admissibility of this
27 exhibit on the basis that it constitutes inadmissible character
28 evidence prohibited by FRE 404. Plaintiff further objects to the

1 admissibility of this exhibit on the basis that it is
2 unauthenticated hearsay which is inadmissible pursuant to
3 FRE 802 and 901.

4 (e) Dignity Health's Responses to Plaintiff's Interrogatories.
5 Plaintiff objects to the introduction of this exhibit by Dignity
6 Health as it is hearsay and may only be admitted into
7 evidence under the limited circumstances allowed by FRE
8 801.

9 (f) Scott Ferguson, M.D.'s Responses to Plaintiff's
10 Interrogatories. Scott Ferguson, M.D.'s Responses to
11 Plaintiff's Interrogatories - Plaintiff objects to the introduction
12 of this exhibit by Dignity Health as it is hearsay and may only
13 be admitted into evidence under the limited circumstances
14 allowed by FRE 801.

15 (g) Plaintiff's Responses to Dignity Health's Interrogatories.

16 (h) Plaintiff's Responses to Dignity Health's Requests for
17 Production of Documents

18 (i) Plaintiff's Responses to Scott Ferguson, M.D.'s Interrogatories

19 (j) Curriculum vitae, testimony history, fee schedule and expert
20 report(s) of Karen Tomczak, RN. Plaintiff objects to the
21 introduction of this exhibit by Dignity Health as it is hearsay
22 and may only be admitted into evidence under the limited
23 circumstances allowed by FRE 801.

24 (k) Curriculum vitae, testimony history, fee schedule and expert
25 report(s) of John Hyde. Plaintiff objects to the introduction of
26 this exhibit by Dignity Health as it is hearsay and may only be
27 admitted into evidence under the limited circumstances
28 allowed by FRE 801.

- 1 (l) Curriculum vitae, testimony history, fee schedule and expert
2 report(s) of Karl Volk. Plaintiff objects to the introduction of this
3 exhibit by Dignity Health as it is hearsay and may only be
4 admitted into evidence under the limited circumstances
5 allowed by FRE 801.
- 6 (m) Curriculum vitae, testimony history, fee schedule and expert
7 report(s) of Michael Arambula, M.D. Plaintiff objects to the
8 introduction of this exhibit by Dignity Health as it is hearsay
9 and may only be admitted into evidence under the limited
10 circumstances allowed by FRE 801.
- 11 (n) Curriculum vitae, testimony history, fee schedule and expert
12 report(s) of Michael Jobin, M.D. Plaintiff objects to the
13 introduction of this exhibit by Dignity Health as it is hearsay
14 and may only be admitted into evidence under the limited
15 circumstances allowed by FRE 801.
- 16 (o) Curriculum vitae, testimony history, fee schedule and expert
17 report(s) of Rhonda Renteria, RN, CLCP. Plaintiff objects to
18 the introduction of this exhibit by Dignity Health as it is
19 hearsay and may only be admitted into evidence under the
20 limited circumstances allowed by FRE 801.
- 21 (p) Curriculum vitae, testimony history, fee schedule and expert
22 report(s) of Richard Bock, M.D. Plaintiff objects to the
23 introduction of this exhibit by Dignity Health as it is hearsay
24 and may only be admitted into evidence under the limited
25 circumstances allowed by FRE 801.
- 26 (q) Curriculum vitae, testimony history, fee schedule and expert
27 report(s) of Rich Chavez. Plaintiff objects to the introduction of
28 this exhibit by Dignity Health as it is hearsay and may only be

1 admitted into evidence under the limited circumstances
2 allowed by FRE 801.

3 (r) Curriculum vitae, testimony history, fee schedule and expert
4 report(s) of Ryan Kotton, M.D. Plaintiff objects to the
5 introduction of this exhibit by Dignity Health as it is hearsay
6 and may only be admitted into evidence under the limited
7 circumstances allowed by FRE 801.

8 (s) Curriculum vitae, testimony history, fee schedule and expert
9 report(s) of Scott Kush. Plaintiff objects to the introduction of
10 this exhibit by Dignity Health as it is hearsay and may only be
11 admitted into evidence under the limited circumstances
12 allowed by FRE 801.

13 (t) Curriculum vitae, testimony history, fee schedule and expert
14 report(s) of John Levin, M.D. Plaintiff objects to the
15 introduction of this exhibit by Dignity Health as it is hearsay
16 and may only be admitted into evidence under the limited
17 circumstances allowed by FRE 801.

18 (u) Curriculum vitae, testimony history, fee schedule and expert
19 report(s) of Samuel Wilson, M.D. Plaintiff objects to the
20 introduction of this exhibit by Dignity Health as it is hearsay
21 and may only be admitted into evidence under the limited
22 circumstances allowed by FRE 801.

23 (v) Curriculum vitae, testimony history, fee schedule and expert
24 report(s) of Lawrence Sporty, M.D. Plaintiff objects to the
25 introduction of this exhibit by Dignity Health as it is hearsay
26 and may only be admitted into evidence under the limited
27 circumstances allowed by FRE 801.

28 (w) Any and all exhibits listed by any other party regardless of

1 whether that party attempts to de-list the exhibit or fails to use
2 it at the time of trial. Plaintiff reserves her right to object to any
3 and all exhibits referenced in this subsection as set forth
4 herein in response to each individually identified exhibit.

5 (x) Demonstrative exhibits. Plaintiff objects to the admissibility of
6 this exhibit as its description herein is so vague and
7 ambiguous as to prevent Plaintiff from knowing its contents
8 and/or forming an opinion as to its admissibility. Plaintiff
9 further objects to the admissibility of this exhibit as no such
10 exhibit has been produced by Defendants and Defendants are
11 not entitled to conduct trial by ambush.

12 (y) Medical Illustrations. Plaintiff objects to the admissibility of this
13 exhibit as its description herein is so vague and ambiguous as
14 to prevent Plaintiff from knowing its contents and/or forming
15 an opinion as to its admissibility. Plaintiff further objects to the
16 admissibility of this exhibit as no such exhibit has been
17 produced by Defendants and Defendants are not entitled to
18 conduct trial by ambush.

19 (z) Various Record Enlargements. Plaintiff objects to the
20 admissibility of this exhibit as its description herein is so vague
21 and ambiguous as to prevent Plaintiff from knowing its
22 contents and/or forming an opinion as to its admissibility.
23 Plaintiff further objects to the admissibility of this exhibit as no
24 such exhibit has been produced by Defendants and
25 Defendants are not entitled to conduct trial by ambush.

26 (aa) Medical Animation. Plaintiff objects to the admissibility of this
27 exhibit as its description herein is so vague and ambiguous as
28 to prevent Plaintiff from knowing its contents and/or forming

1 an opinion as to its admissibility. Plaintiff further objects to the
 2 admissibility of this exhibit as no such exhibit has been
 3 produced by Defendants and Defendants are not entitled to
 4 conduct trial by ambush.

5 (bb) Impeachment Material. Plaintiff objects to the admissibility of
 6 this exhibit as its description herein is so vague and
 7 ambiguous as to prevent Plaintiff from knowing its contents
 8 and/or forming an opinion as to its admissibility. Plaintiff
 9 further objects to the admissibility of this exhibit as no such
 10 exhibit has been produced by Defendants and Defendants are
 11 not entitled to conduct trial by ambush.

12 (cc) Any document listed by any other party. Plaintiff reserves her
 13 right to object to any and all exhibits referenced in this
 14 subsection as set forth herein in response to each individually
 15 identified exhibit.

16 **C. Electronic evidence**

17 The parties intend to present electronic evidence for purposes of jury
 18 deliberations.

19 **D. Depositions**

- 20 1. Plaintiff will offer the following depositions: Plaintiff does not
 21 anticipate offering depositions.
- 22 2. Defendants will offer the following depositions: Defendants reserve
 23 the right to offer the following depositions: Kenneth Parker, pages 1-
 24 57, all lines. Jane Parker, pages 1-49, all lines.

25 **E. Objections to Depositions**

- 26 1. Defendant objects to Plaintiff's depositions as follows: Not applicable.
- 27 2. Plaintiff objects to Defendant's depositions as follows: Plaintiff
 28 reserves all objections to the use of depositions, except for form

1 objections that are waived for failure to raise said objection during
2 the deposition.

3 VIII.

4 WITNESSES

5 The following witnesses may be called by the parties at trial:

6 A. Plaintiff's Witnesses:

- 7 1. Trina Parker
8 c/o Brandon L. Phillips, Esq.
9 BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC
10 1455 E. Tropicana Avenue, Suite 750
11 Las Vegas, NV 891^{ag}9
- 12 2. Scott R. Ferguson, M.D.
13 c/o LEWIS BRISBOIS
14 Keith A. Weaver
15 Danielle Woodrum
16 6385 S. Rainbow Boulevard, Suite 600
17 Las Vegas, NV 89118
- 18 3. Person Most Knowledgeable and/or Custodian of Records for DIGNITY
19 HEALTH dba ST ROSE DOMINICAN HEALTH HOSPITAL-SIENA
20 CAMPUS c/o HALL PRANGLE & SCHOONVELD, LLC
21 Tyson J. Dobbs, Esq.
22 1160 N. Town Center Dr., Ste. 200
23 Las Vegas, NV 89144
- 24 4. Oscar Soraluz, M.D. Employee of;
25 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
26 HOSPITAL-SIENA CAMPUS
27 10001 S. Eastern Avenue, Suite 409
28 Henderson, Nevada 89052
5. Thomas A. Damato, M.D. Employee of;
DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
HOSPITAL-SIENA CAMPUS
10001 S. Eastern Avenue, Suite 409
Henderson, Nevada 89052
6. Roman Sibel, M.D. Employee of;
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HOSPITAL-SIENA CAMPUS
10001 S. Eastern Avenue, Suite 409

1 Henderson, Nevada 89052

2 7. Will W. Scamman, M.D. Employee of;
3 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
4 HOSPITAL-SIENA CAMPUS
5 10001 S. Eastern Avenue, Suite 409
6 Henderson, Nevada 89052

7 8. Jeromy Mendenhall, PAC, Employee of;
8 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
9 HOSPITAL-SIENA CAMPUS
10 10001 S. Eastern Avenue, Suite 409
11 Henderson, Nevada 89052

12 9. Mustafa Rawaf, M DO, Employee of;
13 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
14 HOSPITAL-SIENA CAMPUS
15 10001 S. Eastern Avenue, Suite 409
16 Henderson, Nevada 89052

17 10. Stacy J. Kim, M.D. Employee of;
18 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
19 HOSPITAL-SIENA CAMPUS
20 10001 S. Eastern Avenue, Suite 409
21 Henderson, Nevada 89052

22 11. Neel Dhudsha, M.D. Employee of;
23 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
24 HOSPITAL-SIENA CAMPUS
25 10001 S. Eastern Avenue, Suite 409
26 Henderson, Nevada 89052

27 12. Ryan Labuz, DO, Employee of;
28 DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
HOSPITAL-SIENA CAMPUS
10001 S. Eastern Avenue, Suite 409
Henderson, Nevada 89052

13. Matthew Ripplinger, M.D. Employee of;
DIGNITY HEALTH dba ST ROSE DOMINICAN HEALTH
HOSPITAL-SIENA CAMPUS
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Henderson, Nevada 89052

14. Kaylan Jagarlamundi, M.D. Employee of;
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Henderson, Nevada 89052

15. Gilbert Nyamuswa, M.D. Employee of;
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Henderson, Nevada 89052

16. Jennifer Sikand, M.D. Employee of;
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HOSPITAL-SIENA CAMPUS
10001 S. Eastern Avenue, Suite 409
Henderson, Nevada 89052

17. Person Most Knowledgeable and/or Custodian of Records for Fremont
Emergency Services
PO BOX 638972
Cincinnati, OH 45262

18. Person Most Knowledgeable and/or Custodian of Records for Seven Hills
Hospital
3021 W Horizon Ridge Pkwy,
Henderson, NV 89052

19. Suresh Bhushan, M.D. Employee of;
Seven Hills Hospital
3021 W Horizon Ridge Pkwy,
Henderson, NV 89052

20. Alok Saxena, M.D. Employee of;
Seven Hills Hospital
3021 W Horizon Ridge Pkwy,
Henderson, NV 89052

21. Victoria Escarda, NP Employee of
Seven Hills Hospital
3021 W Horizon Ridge Pkwy,
Henderson, NV 89052

22. Person Most Knowledgeable and/or Custodian of Records for Community
Ambulance
PO BOX 98821
Las Vegas, NV 89193

23. Daniel Munoz, AEMT, Employee of
Community Ambulance
PO BOX 98821
Las Vegas, NV 89193

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24. Devin Chavez, AEMT, Employee of
Community Ambulance
PO BOX 98821
Las Vegas, NV 89193
25. Eric Thyr, AEMT, Employee of
Community Ambulance
PO BOX 98821
Las Vegas, NV 89193
26. Michael Garduno, Paramedic, Employee of
Community Ambulance
PO BOX 98821
Las Vegas, NV 89193
27. Sarah Derieth, Paramedic, Employee of
Community Ambulance
PO BOX 98821
Las Vegas, NV 89193
28. Caitlin Medina, AEMT, Employee of
Community Ambulance
PO BOX 98821
Las Vegas, NV 89193
29. Kim Shaw, Employee of
St. Rose Dominican Hospitals - Siena Campus
3001 St. Rose Parkway
Henderson, NV 89052
30. Aileen Renolyan
Centers for Medicare & Medicaid Services
90 7th Street, Suite 5-300
San Francisco, CA 94103
31. Paula Perse
Centers for Medicare & Medicaid Services
90 7th Street, Suite 5-300
San Francisco, CA 94103
32. Alex Garza
Centers for Medicare & Medicaid Services
90 7th Street, Suite 5-300
San Francisco, CA 94103
33. Maureen Calacal
Centers for Medicare & Medicaid Services
90 7th Street, Suite 5-300

1 San Francisco, CA 94103

2 34. Jane Parker
3 7745 Larchwood Way
4 San Diego, California 92120

5 35. Ken Parker
6 7745 Larchwood Way
7 San Diego, California 92120

8 36. Jackie Girard
9 2580 Lockerbie Street
10 Henderson, Nevada 89044

11 37. Marc Farraye, M.D.- Expert Witness
12 FarrayEMed Emergency Medicine
13 218 Sophia Terrace
14 St Augustine FL 32095-6812,

15 38. Kevin B. Kirkendall, MBA
16 Kirkendall Consulting Group, LLC
17 1522 West Warm Springs
18 Henderson, NV 89014

19 39. Jon Burroughs, M.D. - Rebuttal Expert Witness
20 The Burroughs Healthcare Consulting Network, Inc.
21 48 Forest Ledge Road
22 PO Box 540
23 Glen, NH 03838

24 40. Joel Silberberg, M.D. - Rebuttal Expert Witness
25 4525 Dean Martin Drive, Ste. 1108
26 Las Vegas, NV 89103

27 41. Dr. James A. Burks, Jr, MD - Rebuttal Expert Witness
28 Vascular and Endovascular Surgery
16350 Ventura Blvd Suite D156
Encino, CA 91436

Angela Hollis -Expert Witness
220 W. Main Street, Suite 2150
Louisville, Kentucky 40202

Plaintiff reserves the right to call any and all witnesses that have been identified by the Defendants.

B. Defendant Dignity Health's Witnesses:¹

1. Trina Parker, Plaintiff
c/o Brandon Phillips, Esq.
BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC
1455 E. Tropicana Ave., Suite 750
Las Vegas, Nevada 89119
2. Scott Ferguson, M.D.
c/o LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
3. Mustafa Rawaf, D.O.
3016 W. Charleston Blvd.
Las Vegas, Nevada 89102
4. Daniel Gowhari, D.O.
7391 W. Charleston Blvd., Suite 140
Las Vegas, Nevada 89118
5. Victoria Escarda, APRN
Seven Hills Hospital
3021 W. Horizon Ridge Parkway
Henderson, Nevada 89052
6. Alton Williams, CNA
c/o Tyson Dobbs
HALL PRANGLE & SCHOONVELD, LLC
1140 North Town Center Drive, Suite 350
Las Vegas, Nevada 89144
7. Celeste, RN
Seven Hills Hospital
3021 W. Horizon Ridge Pkwy.
Henderson, NV 89052
8. Alok Saxena, M.D.
Seven Hills Hospital
3021 W. Horizon Ridge Parkway

¹ For purposes of judicial economy and efficiency, Defendant Dignity Health dba St. Rose Dominican Hospital has not re-listed every witness identified by Defendant Dr. Ferguson. Defendant reserves the right to call any witness previously disclosed in discovery or identified in this pre-trial order by Defendant Dr. Ferguson and/or Plaintiff Trina Parker.

- 1 Henderson, Nevada 89052
- 2 9. Suresh Bhushan, M.D.
- 3 3021 W. Horizon Ridge Parkway
- 4 Henderson, Nevada 89052
- 5 10. Emily Mazengwe, RN
- 6 3021 W. Horizon Ridge Parkway
- 7 Henderson, Nevada 89052
- 8 11. Thomas Damato, M.D.
- 9 5320 S. Rainbow Boulevard, Suite 282
- 10 Las Vegas, Nevada 89118
- 11 12. James Chang, RN
- 12 Seven Hills Hospital
- 13 3021 W. Horizon Ridge Pkwy.
- 14 Henderson, Nevada 89052
- 15 13. Ervin Miller, RN
- 16 Seven Hills Hospital
- 17 3021 W. Horizon Ridge Pkwy.
- 18 Henderson, Nevada 89052
- 19 14. Elizabeth Wilkes, RN
- 20 c/o Tyson Dobbs, Esq.
- 21 HALL PRANGLE & SCHOONVELD, LLC
- 22 1160 N. Town Center Drive, Suite 200
- 23 Las Vegas, Nevada 89144
- 24 15. Stacey Marino, MSW
- 25 c/o Tyson Dobbs, Esq.
- 26 HALL PRANGLE & SCHOONVELD, LLC
- 27 1160 N. Town Center Drive, Suite 200
- 28 Las Vegas, Nevada 89144
16. Caroline Newby, RN
- c/o Tyson Dobbs, Esq.
- HALL PRANGLE & SCHOONVELD, LLC
- 1160 N. Town Center Drive, Suite 200
- Las Vegas, Nevada 89144
17. Breyanna Williams, CNA
- c/o Tyson Dobbs, Esq.
- HALL PRANGLE & SCHOONVELD, LLC
- 1160 N. Town Center Drive, Suite 200
- Las Vegas, Nevada 89144
18. Adrienne Prosper, RN

- 1 c/o Tyson Dobbs
2 HALL PRANGLE & SCHOONVELD, LLC
3 1140 North Town Center Drive, Suite 350
4 Las Vegas, Nevada 89144
- 5 19. Carolyn Smith, RN
6 c/o Tyson Dobbs
7 HALL PRANGLE & SCHOONVELD, LLC
8 1140 North Town Center Drive, Suite 350
9 Las Vegas, Nevada 89144
- 10 20. Amanda Dewitt, RN
11 c/o Tyson Dobbs, Esq.
12 HALL PRANGLE & SCHOONVELD, LLC
13 1160 N. Town Center Drive, Suite 200
14 Las Vegas, Nevada 89144
- 15 21. Aileen Cadora, CNA
16 c/o Tyson Dobbs, Esq.
17 HALL PRANGLE & SCHOONVELD, LLC
18 1160 N. Town Center Drive, Suite 200
19 Las Vegas, Nevada 89144
- 20 22. Kathleen Robinson, R.N.
21 c/o Tyson Dobbs, Esq.
22 HALL PRANGLE & SCHOONVELD, LLC
23 1160 N. Town Center Drive, Suite 200
24 Las Vegas, Nevada 89144
- 25 23. Ryan Kotton, M.D.
26 8436 West 3rd Street, Suite 601
27 Los Angeles, California 90048
- 28 24. Karl Erik Volk
1155 Alpine Road
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- 25 25. Michael Jobin, M.D., F.A.C.E.P.
26 655 Leyden St.
27 Denver, Colorado 80220
- 28 26. Michael Arambula, M.D., PharmD.
14800 US 281 North, Suite 110
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- 27 27. Karen Tomczak, MSN, RN, CEN
2244 Kenry Way
South San Francisco, California 94080

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28. Richard Bock, M.D.
343 Racquet Club Road
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29. Rick Chavez, CPO
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30. Rhonda Renteria
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31. Scott Kush, M.D., J.D., M.P.H.
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32. John Hyde, Ph.D., FACHE
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Forest, Mississippi 39074
33. Oscar Soraluz, M.D.
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34. Stephanos Orphanidis, M.D.
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37. Gabe Fekete, RN
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1140 North Town Center Drive, Suite 350
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38. Stephen Reid, RN
c/o Tyson Dobbs
HALL PRANGLE & SCHOONVELD, LLC

- 1 1140 North Town Center Drive, Suite 350
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- 3 39. Vicki Sanders, CNA
4 c/o Tyson Dobbs
5 HALL PRANGLE & SCHOONVELD, LLC
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- 8 40. Genevieve Chua, RN
9 c/o Tyson Dobbs
10 HALL PRANGLE & SCHOONVELD, LLC
11 1140 North Town Center Drive, Suite 350
12 Las Vegas, Nevada 89144
- 13 42. Andrew Allison, RN
14 c/o Tyson Dobbs
15 HALL PRANGLE & SCHOONVELD, LLC
16 1140 North Town Center Drive, Suite 350
17 Las Vegas, Nevada 89144
- 18 43. Sarah Derleth, EMT
19 Community Ambulance
20 91 Corporate Park Drive, #120
21 Henderson, NV 89074
- 22 44. Neel Dhudsha, M.D.
23 c/o Tyson Dobbs, Esq.
24 HALL PRANGLE & SCHOONVELD, LLC
25 1160 N. Town Center Drive, Suite 200
26 Las Vegas, Nevada 89144
- 27 45. Stacy Kim, M.D.
28 c/o Tyson Dobbs, Esq.
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Las Vegas, Nevada 89144
46. Jeromy Mendenhall, PA
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Henderson, Nevada 89052

- 1 47. Sibimol Sabu, RN
2 c/o Tyson Dobbs
3 HALL PRANGLE & SCHOONVELD, LLC
4 1140 North Town Center Drive, Suite 350
5 Las Vegas, Nevada 89144
- 6 48. Sunsia Dechasit, RN
7 c/o Tyson Dobbs
8 HALL PRANGLE & SCHOONVELD, LLC
9 1140 North Town Center Drive, Suite 350
10 Las Vegas, Nevada 89144
- 11 49. Andrew Grabin, RT
12 c/o Tyson Dobbs
13 HALL PRANGLE & SCHOONVELD, LLC
14 1140 North Town Center Drive, Suite 350
15 Las Vegas, Nevada 89144
- 16 50. Heber Phillips, D.O.
17 c/o Keith Weaver, Esq.
18 LEWIS BRISBOIS BISGAARD & SMITH, LLP
19 6385 S. Rainbow Boulevard, Suite 600
20 Las Vegas, Nevada 89118
- 21 51. Roman Sibel, MD
22 Orthopedic Foot & Ankle Institute
23 3175 St. Rose Pkwy., Ste. 320
24 Henderson, Nevada 89052
- 25 52. Ryan Labuz, DO
26 Sound Physicians
27 3001 St. Rose Pkwy.
28 Henderson, NV 89052
53. Dennis DeJesus, M.D.
11995 Singletree Lane, Suite 500
Eden Prairie, MN 55344
(952) 595-1100
54. Russell Gollard, M.D.
4750 W. Oakey Blvd., Suite 2B
Las Vegas, NV 89102
55. Will W. Scamman, M.D.
Associated Pathologists, Chartered at St. Rose Hospital
4230 Burnham Ave.
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56. Neel Dhudshia, M.D.
Cardiovascular Surgery of Southern Nevada
5320 S. Rainbow Blvd., Suite 282
Las Vegas, NV 89118
57. Marija Djokovic, APN
c/o Keith Weaver, Esq.
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Las Vegas, NV 89118
58. Jane Parker
7745 Larchwood Way
San Diego, CA 92120
59. Ken Parker
7745 Larchwood Way
San Diego, CA 92120

C. Defendant Scott Ferguson, M.D.'s Witnesses:²

1. Trina Parker, Plaintiff
c/o Brandon Phillips, Esq.
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1455 E. Tropicana Ave., Suite 750
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2. Scott Ferguson, M.D.
c/o LEWIS BRISBOIS BISGAARD & SMITH LLP
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3. Amanda Dewitt, RN
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4. Mustafa Rawaf, D.O.
3016 W. Charleston Blvd.
Las Vegas, Nevada 89102

² For purposes of judicial economy and efficiency, Dr. Ferguson has not re-listed every witness identified by Defendant Dignity Health dba St. Rose Dominican Hospital. Dr. Ferguson reserves the right to call any witness previously disclosed in discovery or identified in this pre-trial order by Defendant Dignity Health dba St. Rose Dominican Hospital and/or Plaintiff Trina Parker.

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5. Daniel Gowhari, D.O.
7391 W. Charleston Blvd., Suite 140
6. Victoria Escarda, APRN
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7. Celeste, RN
Seven Hills Hospital
3021 W. Horizon Ridge Pkwy.
Henderson, NV 89052
8. Alok Saxena, M.D.
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9. Suresh Bhushan, M.D.
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Henderson, Nevada 89052
10. Emily Mazengwe, RN
3021 W. Horizon Ridge Parkway
Henderson, Nevada 89052
11. Thomas Damato, M.D.
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Las Vegas, Nevada 89118
12. James Chang, RN
Seven Hills Hospital
3021 W. Horizon Ridge Pkwy.
Henderson, Nevada 89052
13. Ervin Miller, RN
Seven Hills Hospital
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Henderson, Nevada 89052
14. Jane Parker
7745 Larchwood Way
San Diego, California 92120
15. Kenneth Parker
7745 Larchwood Way
San Diego, California 92120

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16. Marija Djokovic, APRN
c/o Keith Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
17. John Levin, M.D.
9609 Oak Pass Road
Beverly Hills, California 90210
18. Samuel Wilson, M.D.
1436 Via Castilla
Palos Verdes Estates, California 90274
19. Lawrence Sporty, M.D.
1901 Holly Tree Lane
Santa Ana, California 92705
20. Ryan Kotton, M.D.
8436 West 3rd Street, Suite 601
Los Angeles, California 90048
21. Karl Erik Volk
1155 Alpine Road
Walnut Creek, California 94596
22. Rick Chavez, CPO
29558 Woodbruck Drive
Agoura Hills, California 91301
23. Rhonda Renteria
315 N. Puente Street, Suite A
Brea, California 92821
24. Carlos Inzunza
424 15th Street, Suite 100
San Diego, CA 92101
25. Jenni McKenna
9065 S. Pecos Road
Henderson, Nevada 89704
26. Jake Schumers
9065 S. Pecos Road
Henderson, Nevada 89704
27. Scott Kush, M.D., J.D., M.P.H.
101 Jefferson Drive

1 | Melo Park, California 94025

2 28. Stephanos Orphanidis, M.D.
3 1533 Via Cassia
Henderson, Nevada 89052

29. M. Yukie, RN
Seven Hills Hospital
3021 W. Horizon Ridge Pkwy.
Henderson, Nevada 89052

7	30.	Sarah Derleth, EMT
8		Community Ambulance
9		91 Corporate Park Drive, #120
		Henderson, NV 89074

10	31. Jeromy Mendenhall, PA
11	3175 St. Rose Pkwy., Suite 320
	Henderson, Nevada 89052

32. Heber Phillips, D.O.
c/o Keith Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH, LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

16	33. Person(s) Most Knowledgeable/Custodian of Records
17	Fremont Emergency Services
18	c/o Keith A. Weaver, Esq.
	LEWIS BRISBOIS BISGAARD & SMITH LLP
	6385 S. Rainbow Boulevard, Suite 600
	Las Vegas, Nevada 89118

20	34.	Vicki Sanders, CNA
21		c/o Tyson Dobbs
22		HALL PRANGLE & SCHOONVELD, LLC
		1140 North Town Center Drive, Suite 350
		Las Vegas, Nevada 89144

35. Kathleen Robinson, R.N.
c/o Tyson Dobbs, Esq.
HALL PRANGLE & SCHOONVELD, LLC
1160 N. Town Center Drive, Suite 200
Las Vegas, Nevada 89144

///

///

36. Stacey Marino, MSW
 c/o Tyson Dobbs, Esq.
 HALL PRANGLE & SCHOONVELD, LLC
 1160 N. Town Center Drive, Suite 200
 Las Vegas, Nevada 89144

Defendants reserve the right to call any of Plaintiff's witnesses listed in prior discovery disclosures or pre-trial order. Defendant also reserves the right to call any Custodian of Records necessary to authenticate documents.

IX.

TRIAL DATES

The attorneys or parties have met and jointly offer these three trial dates: December 5, 2022, April 3, 2023 and August 14, 2023. It is expressly understood by the undersigned that the court will set the trial of this matter on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

X.

LENGTH OF TRIAL

It is estimated that the trial will take a total of 14 full court days.

APPROVED AS TO FORM AND CONTENT:

Dated: July 14, 2022

Dated: July __, 2022

BRANDON L. PHILLIPS, ATTORNEY
 AT LAW, PLLC

HALL PRANGLE & SCHOONVELD, LLC

/s/ Brandon L. Phillips

/s/ Tyson J. Dobbs, Esq.

BRANDON L. PHILLIPS, ESQ.
 Nevada Bar No.: 12264
 1455 E. Tropicana Ave., Ste. 750
 Las Vegas, NV 89119
Attorney for Plaintiff

TYSON J. DOBBS, ESQ.
 Nevada Bar No. 11953
 MICHAEL J. SHANNON, ESQ.
 Nevada Bar No. 7510
 1160 N. Town Center Dr., Ste. 200
 Las Vegas, NV 89144
*Attorneys for Defendant Dignity Health
 d/b/a St. Rose Dominican Hospital-Siena
 Campus*

1 Dated: July 14, 2022

2 LEWIS BRISBOIS BISGAARD &
3 SMITH LLP

4 /s/ KEITH WEAVER

KEITH A. WEAVER

5 Nevada Bar No. 10271

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8 *Attorneys for Defendant Scott R.*
Ferguson, M.D.

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10 XI.

11 ACTION BY THE COURT

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13 This case is set for court/jury trial on the fixed/stacked calendar on December 5, 2022 at
14 9:00 a.m.. Calendar call will be held on November 23, 2022 at 9:30 a.m..

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16 Dated: July 26, 2022.

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19 UNITED STATES MAGISTRATE JUDGE
20 DISTRICT
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